

ORDINANCE NO. 97-23

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS SERIES OF THE LAND USE ELEMENT; ADOPTING A SMALL SCALE DEVELOPMENT AMENDMENT; MODIFYING FUTURE LAND USE ATLAS PAGE 83 BY CHANGING A 1.1 ACRE PARCEL OF LAND GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF CONGRESS AVENUE AND HYPOLUXO ROAD, FROM COMMERCIAL LOW-OFFICE, WITH AN UNDERLYING LAND USE OF MEDIUM RESIDENTIAL 5, TO COMMERCIAL LOW, WITH AN UNDERLYING LAND USE OF MEDIUM RESIDENTIAL 5; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on June 27, 1997, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made a recommendation regarding the proposed amendment to the Palm Beach

County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes at the conclusion of the public hearing; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on Thursday, July 24, 1997 to review the recommendation of the Local Planning Agency; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendment complies with all requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendment to the Future Land Use Atlas of the Land Use Element of the 1989 Comprehensive Plan

An Amendment to the Land Use Element's Future Land Use Atlas of the Palm Beach County 1989 Comprehensive Plan, is hereby adopted as follows:

A. Future Land Use Atlas page 83 is amended as follows:

Application No.: 97-SCA 83 COM 1

Amendment: From Commercial Low-Office, with an underlying Medium Residential-5 (CL-O/5) to Commercial Low (CL) with an underlying Medium Residential-5 (CL/MR-5).

General Location: On the northeast corner of the intersection of Congress Avenue and Hypoluxo Road.

Size: 1.1 acres

B. The amendment is subject to the following conditions:

- 1. Architectural Control:** Similar architectural character and treatment shall be provided on all sides of the building.

1 2. **Landscaping:** Landscaping and buffering along the
2 east and north property lines shall be upgraded to
3 include:

- 4 • a minimum ten (10) foot wide landscape buffer
5 strip;
- 6 • a six (6) foot high opaque concrete wall. The wall
7 shall be located on the inside edge of the required
8 landscape buffer strip along the east and north
9 sides, and connecting through the safe corner
10 triangle/ corner clip at the northeast corner of
11 the property. The exterior side of the wall shall
12 be given a finished architectural treatment which
13 is compatible and harmonious with abutting
14 development;
- 15 • canopy trees, palm or pine trees, and shrub/hedge
16 material on both sides of the wall.

17 3. **Uses:**

18 1. The subject property shall be restricted to the
19 following:

- 20 • a maximum of 9,000 square feet of building;
- 21 • retail general use.

22 2. The uses in the CC district will also be allowed,
23 except for the following as defined by the Palm
24 Beach County Unified Land Development Code (ULDC):

- 25 a. automotive service station;
- 26 b. car wash and auto detailing;
- 27 c. convenience store, no gas sales;
- 28 d. convenience store with gas sales;
- 29 e. laundry services;
- 30 f. lounge, cocktail;
- 31 g. restaurant, fast food;
- 32 h. restaurant, general;
- 33 i. restaurant, specialty;
- 34 j. retail sales, mobile, temporary or transient;
- 35 k. vehicle inspection center;
- 36 l. vehicle repair and related services, mobile

1 minor;

2 m. vehicles sales and rental;

3 n. veterinary clinic with outdoor runs.

4 3. Hours of business operation (open to the public)
5 shall be limited to 8:00 a.m. to 9:00 p.m. daily.

6 4. The petitioner shall perpetually maintain the
7 exterior side of all walls. Maintenance shall
8 include the exterior surface of the wall,
9 landscaping, irrigation and daily garbage/trash
10 pick up.

11 Any request for a change in the permitted uses shall
12 require an amendment to the Palm Beach County
13 Comprehensive Plan.

14 C. A legal description for the parcel depicting the
15 amendment and a map depicting the amendment is attached
16 to this ordinance as Exhibit 1.

17
18 **Part II. Effective Date**

19 This amendment shall not become effective until 31 days after
20 adoption. If challenged within 30 days after adoption, this
21 amendment shall not become effective until the state land planning
22 agency or the Administration Commission, respectively, issues a
23 final order determining the amendment is in compliance.

24
25 **APPROVED AND ADOPTED** by the Board of County Commissioners of
26 Palm Beach County, on the 24 day of July, 1997.

27 DOROTHY H. WILKEN

28 PALM BEACH COUNTY, FLORIDA,
29 BY ITS BOARD OF COUNTY COMMISSIONERS

30
31 By: Joan Hawley

32 Deputy Clerk

33 [Signature]
34 Chairman

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37 APPROVED AS TO FORM AND
38 LEGAL SUFFICIENCY

39 [Signature]
40 COUNTY ATTORNEY

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44 Filed with the Department of State on the 29th day of
45 July, 1997.

46 J:\COMMON\PLANNING\CURRENT\AMEND\SCA\BEAL-97\ORDINANC\BEAL2.ORD

LEGAL DESCRIPTION:

LOTS 1,2,3,4,5, AND 6, BLOCK 1 FLORAL PARK, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 23, PAGES 129 AND 130.

GENERALIZED LOCATION MAP:

Application No.: 97-SCA 83 COM 1

General Location: On the northeast corner of the intersection of Congress Avenue and Hypoluxo Road

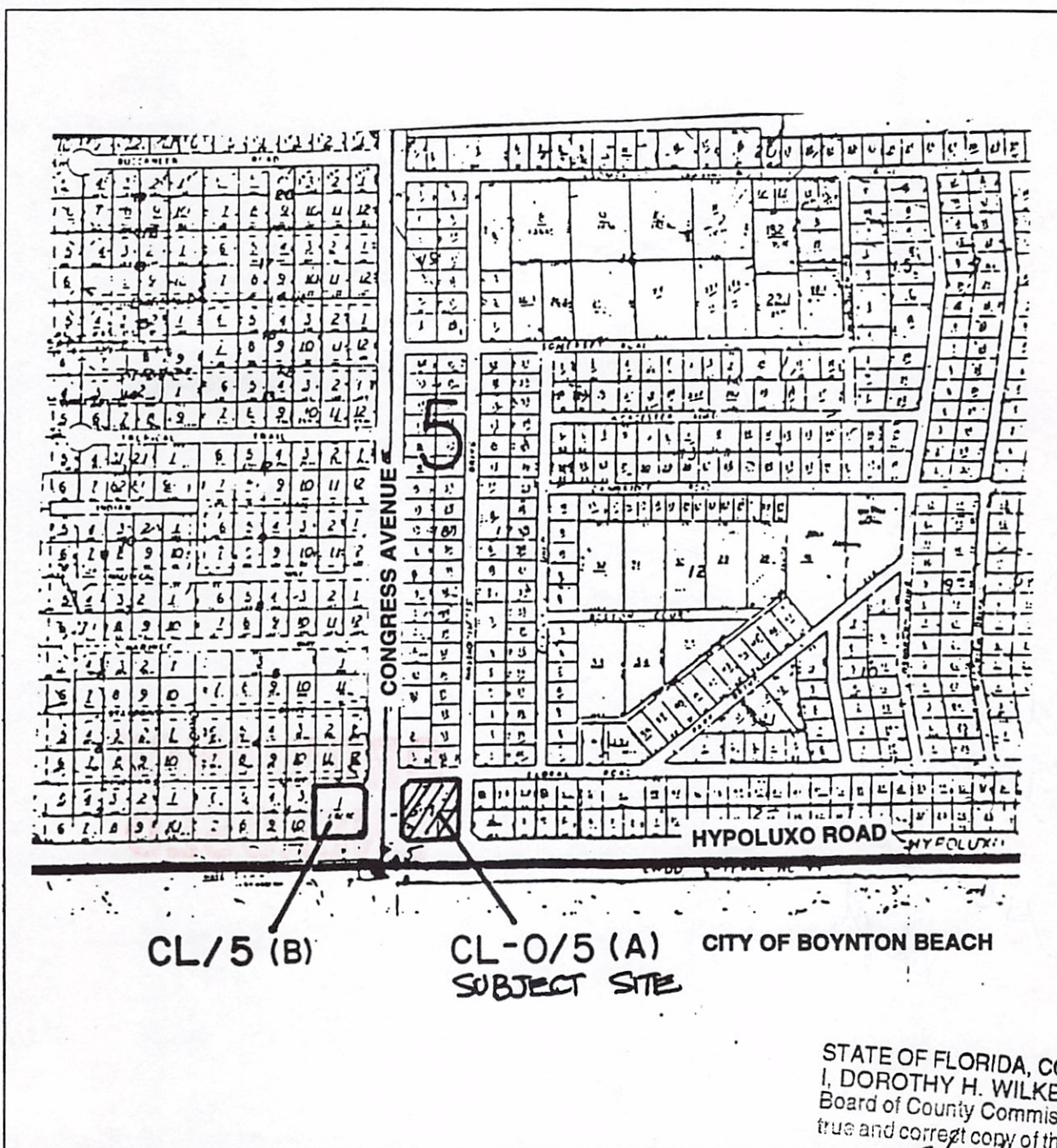
Size: 1.1 acres

Existing Use: Vacant

Existing FLU: Commercial Low-Office with an underlying Medium Residential-5 (CL-O/5)

Adopted FLU: Commercial Low (CL) with an underlying Medium Residential-5 (CL/MR-5)

Property Numbers: 00-43-45-05-000-0010, 00-43-45-05-01-000-0030



STATE OF FLORIDA, COUNTY OF PALM BEACH
 I, DOROTHY H. WILKEN, ex-officio Clerk of the
 Board of County Commissioners certify this to be a
 true and correct copy of the original filed in my office
 on 7/24/97
 DATED at West Palm Beach, FL on 8/6/97
 DOROTHY H. WILKEN, Clerk
 By: Phyllis A. House D.C.

County
Library
Serial
Mkt

**ORDINANCE
ENCLOSED**